

- 5 -

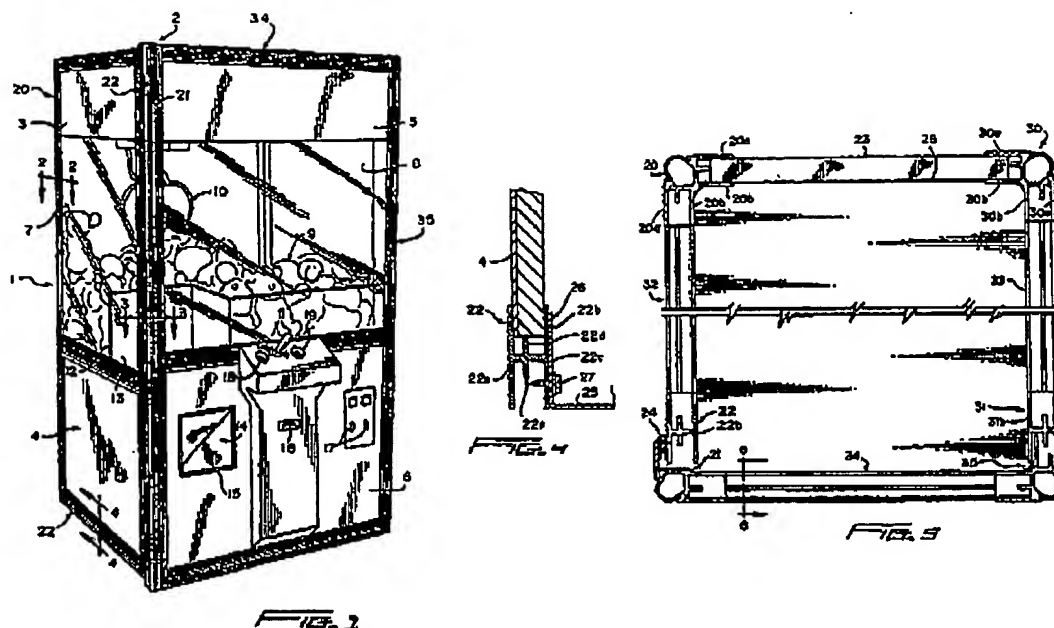
REMARKS

The Examiner has rejected Claims 3-7 under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Examiner has argued that "[i]t is unclear whether the rails recited in claim 3 are equivalent to the at least one cross member of claim 2 or are new and separate limitations." Applicant respectfully disagrees and asserts that applicant's claimed "top rail extending between the upper ends of the stiles, an intermediate rail extending between intermediate portions of the stiles, and a bottom rail extending between the lower ends of the stiles," as claimed in claim 3, refers to applicant's claimed "at least one cross member extending between the stiles," as claimed in Claim 2, from which Claim 3 depends. Thus, applicant respectfully asserts that Claims 3-7 are definite. Further, applicant has amended the claims to further clarify what is claimed.

The Examiner has rejected Claims 1, 10, 11, and 20-22 under 35 U.S.C. 102(b) as being anticipated by Lewis (U.S. Patent No. 5,549,372). Further, the Examiner has rejected Claims 1-6, 8-11, and 20-22 under 35 U.S.C. 103(a) as being unpatentable over Halic (U.S. Patent No. 5,700,195) in view of Lewis. Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to each of the independent claims.

With respect to the independent claims, the Examiner has relied on Figures 1, 4 and 5, as excerpted below, and particularly items 5, 6, 8, 21, 27, 34, 35, etc. in Figures 1 and 5 from the Lewis reference, along with items A, B, C, D, etc. in Exhibit 1 from the Halic reference to make a prior art showing of applicant's claimed "gaming machine door assembly comprising a plurality of components, at least some of the components being elongated members including vertical elongated members and horizontal elongated members each having fasteners at opposed end portions thereof for removably and directly coupling the vertical elongated members with the horizontal elongated members for facilitating individual finishing of the components" (see this or similar, but not necessarily identical language in the independent claims, as currently amended).

- 6 -



(Lewis, Figures 1, 4, and 5)

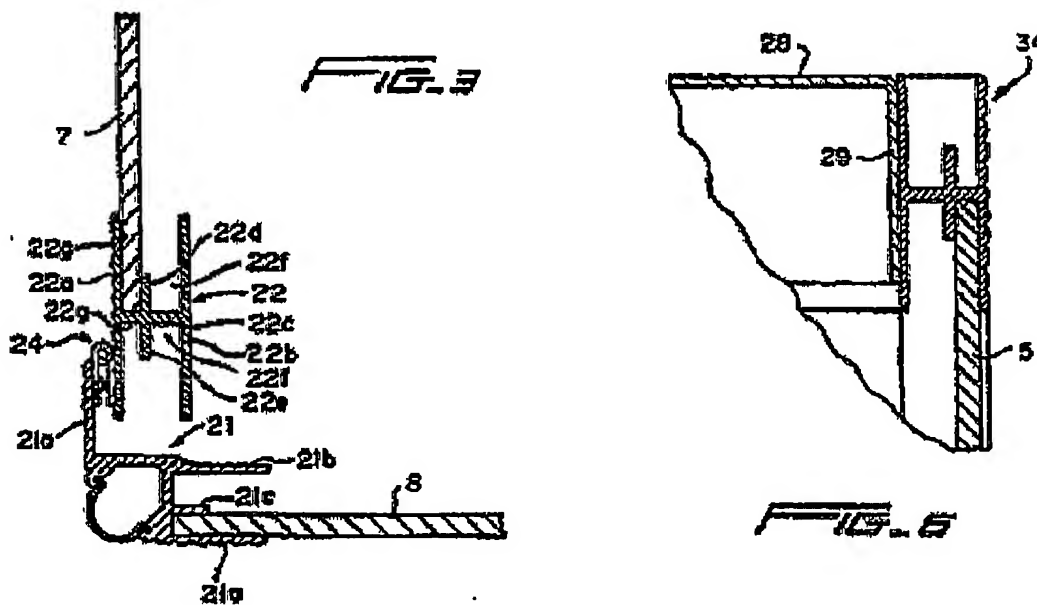
Applicant respectfully asserts that the description of the items in Lewis relied upon by the Examiner merely disclose that “[t]he front of the cabinet is also provided with a channeled trim member 34 extending between the half corner component 21 at the left front of the cabinet and a full corner component 35 at the front right side of the cabinet” (Col. 2, line 66 - Col. 3, line 3 – emphasis added). Further, Lewis discloses that “[i]t will thus be seen that the half corner component 21, trim member 34, full corner component 35 and associated panels 5, 6 and 8, FIG. 1, provide a door to the interior of the cabinet” (Col. 3, lines 3-6 – emphasis added).

However, the mere disclosure of a half corner component 21 at the left front of a cabinet, the channeled trim member 34, and a full corner component 35 at the right side of the cabinet along associated panels, as in Lewis, fails to even suggest “horizontal elongated members each having fasteners at opposed end portions thereof for removably and directly coupling the vertical elongated members with the horizontal elongated members” (emphasis added), in the manner currently claimed by applicant. Clearly, as

- 7 -

seen in Figure 5 of Lewis, vertical members 21 and 35 are not directly connected to horizontal trim member 34, and further there is simply no discussion in Lewis of coupling members 34, 35 and 21, let alone elongated members having fasteners at opposed end portions, in the manner claimed by applicant. Therefore, Lewis fails to suggest "directly coupling the vertical elongated members with the horizontal elongated members" (emphasis added), in the manner as currently claimed by applicant.

In fact, as evidenced by Figure 3 from Lewis, the half corner component 21 and full corner component 35 merely exhibit a tongue and groove method of connecting to transparent glass panel 8. Further, Figure 6 shows the channeled trim member 34 using a tongue and groove method for connecting to opaque decorative panel 5.



(Lewis, Figures 3 and 6)

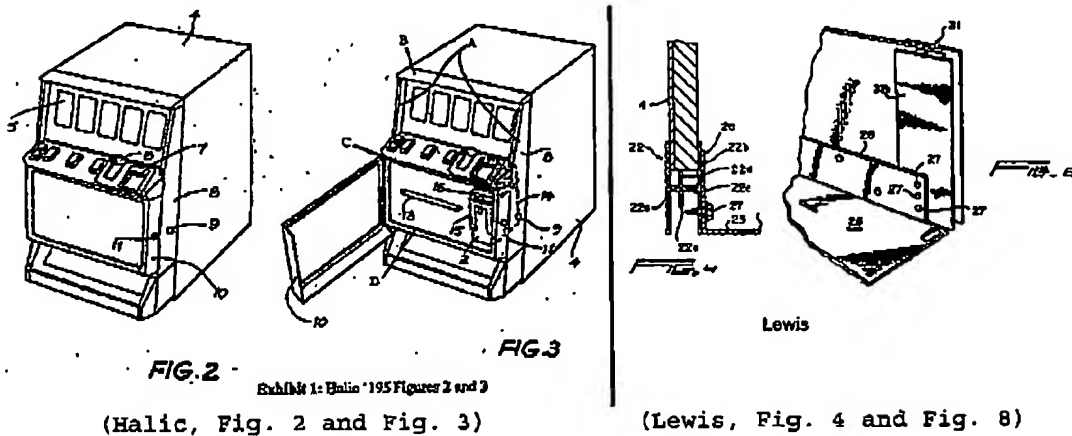
Applicant respectfully asserts that the tongue and groove implemented by half corner component 21, full corner component 35, and horizontal trim 34 fail to suggest "directly coupling the vertical elongated members with the horizontal elongated members" (emphasis added), in the manner as currently claimed by applicant. In particular, in Lewis, the horizontal and vertical members are merely attached to the

- 8 -

panels, but not directly to each other, and therefore Lewis fails to teach “directly coupling the vertical elongated members with the horizontal elongated members” (emphasis added), in the manner as claimed by applicant.

To emphasize, the door defining members 34, 35 and 21 in Lewis merely rely on a tongue and groove coupling to the associated panels 5, 6 to keep their form, which may suit Lewis’s purpose of allowing for removable panels, but is inferior to the direct coupling claimed by applicant which is capable of providing sturdiness, security, etc.

Further, with respect to items A, B, C, D, etc. in Exhibit 1 associated with the Halic reference, as noted by the Examiner on page 8 of the Office Action mailed 8/15/06 and as excerpted below, the Examiner argued that while such items disclose applicant’s claimed plurality of components, “Halic does not specifically disclose fasteners at ends of the components” and that “Lewis discloses an enclosure for a gaming machine system including fasteners (27) for mating elongated components” (see Figures 4 and 8 from Lewis as excerpted below).



Applicant respectfully disagrees with the Examiner’s argument that Lewis’ teaching of “fasteners (27) for mating elongated components” meets applicant’s specific claim language. Applicant respectfully asserts that Lewis merely discloses that “FIG. 4 illustrates the cabinet bottom wall 25 of heavy gauge cold rolled steel having an upturned flange 26 fastened to the inner leg 22b of a horizontally extending straight member 22 by

- 9 -

means of screws 27” (Col. 2, lines 45-48 – emphasis added). Further, Lewis discloses that “FIG. 8 illustrates the bottom wall 25 being fastened to the inner leg 31b of straight member 31 by the screws 27 passing through the upturned flange 26” (Col. 3, lines 13-15 – emphasis added).

However, the mere disclosure of fastening the cabinet bottom wall 25 to the horizontally extending straight member 22 and to the straight member 31 by screws 27, as in Lewis, clearly fails to even suggest “directly coupling the vertical elongated members with the horizontal elongated members” (emphasis added), in the manner as currently claimed by applicant. Thus, combining Lewis’s teachings of fastening the vertical and horizontal members to the bottom wall with Halic’s various components in the door still fails to suggest “directly coupling the vertical elongated members with the horizontal elongated members” (emphasis added), in the manner as currently claimed by applicant.

Still yet, it appears that the Examiner has simply dismissed the claimed “facilitating individual finishing of the components” without a specific prior art showing of the same. It thus appears that the Examiner has relied on an inherency argument regarding such claim limitation when it is argued that the prior art would “facilitate individual finishing of his components (in as much as Applicant’s device does so).”

However, the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). Rather, to establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’ *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted). In relying upon the theory of inherency, the

- 10 -

examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

To further emphasize the aforementioned claimed feature, applicant has more positively claimed the same. In view of the arguments made hereinabove, any such inherency argument has been adequately rebutted, and a notice of allowance or a specific prior art showing of such claim features, in combination with the remaining claim elements is respectfully requested. (See MPEP 2112)

With respect to the 35 U.S.C. 102(b) rejection, the Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. This criterion has simply not been met by the above reference, as noted above.

Further, with respect to the 35 U.S.C. 103(a) rejection, the Examiner is reminded that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Applicant respectfully asserts that at least the third element of the *prima*

- 11 -

*facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has amended each of the independent claims to further distinguish applicant's claim language from the above references, as follows:

“the gaming machine door assembly comprising a plurality of components, at least some of the components being elongated members including vertical elongated members and horizontal elongated members each having fasteners at opposed end portions thereof for removably and directly coupling the vertical elongated members with the horizontal elongated members for facilitating individual finishing of the components;

wherein the components are individually finished” (see this or similar, but not necessarily identical language in the independent claims).

For the reasons noted above, applicant respectfully asserts that neither Halic nor Lewis, when taken alone and in combination, teach “vertical elongated members and horizontal elongated members each having fasteners at opposed end portions thereof for removably and directly coupling the vertical elongated members with the horizontal elongated members for facilitating individual finishing of the components; wherein the components are individually finished,” as applicant specifically claims.

Thus, a notice of allowance or a proper prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Applicant further notes that the prior art is also deficient with respect to the dependent claims. For example, with respect to Claims 20, and 21, the Examiner has relied on Col. 2, lines 50-52 from the Lewis reference, as excerpted below, to make a

- 12 -

prior art showing of applicant's claimed techniques "wherein the individual finishing of the components includes coating" (see Claim 20), and "wherein the individual finishing of the components includes plating" (see Claim 21).

"The decorative panel 4 is inserted in the space between the outer and inner legs 22a and 22b, the panel 4 being either a laminate structure having a 1/8" thick outer layer of plexiglass and a 5/8" thick inner layer of melamine, or a 3/4 thick solid wood panel." (Col. 2, lines 48-52 - emphasis added)

Applicant respectfully asserts that the excerpt from Lewis relied upon by the Examiner merely discloses that the decorative panel is either a laminate structure having a plexiglass outer layer and a melamine inner layer or a solid wood panel. Clearly, a decorative panel with a laminate outer layer completely fails to even suggest techniques "wherein the individual finishing of the components includes coating" (see Claim 20), and "wherein the individual finishing of the components includes plating" (see Claim 21), where "at least some of the components [include] elongated members," in the context claimed by applicant (for context, see the same or similar, but not necessarily identical language in the independent claims). Clearly, a laminate outer layer of a decorative panel fails to suggest coating or plating of member components, in the manner as claimed by applicant.

Further, with respect to dependent Claim 2, the Examiner has relied on items A and B from Exhibit 1 from Halic as modified by Lewis to make a prior art showing of applicant's claimed technique "wherein the gaming machine door assembly comprises a pair of opposed vertical stiles each having an upper end, an opposed lower end, and an intermediate portion, and including at least one cross member extending between the stiles, the cross member having opposed ends each having a fastener engaging a corresponding fastener on each of the stiles."

Applicant respectfully asserts items A and B in Halic, as relied on by the Examiner, are not a part of the gaming machine door assembly, as applicant claims. In particular, Figure 3 in Halic clearly shows item 10 as the door assembly, and neither item



- 13 -

A nor item B are shown to be a part of or even attached to item 10. Thus, Halic does not disclose that “the gaming machine door assembly comprises a pair of opposed vertical stiles each having an upper end, an opposed lower end, and an intermediate portion, and including at least one cross member extending between the stiles, the cross member having opposed ends each having a fastener engaging a corresponding fastener on each of the stiles” (emphasis added), as applicant specifically claims.

In addition, applicant also respectfully points out that Lewis does not meet applicant’s specific claim language, but instead merely discloses that “FIG. 8 illustrates the bottom wall 25 being fastened to the inner leg 31b of straight member 31 by the screws 27 passing through the upturned flange 26” (Col. 3, lines 13-15 – emphasis added). Attaching an upturned flange 26 from the bottom wall 25 to the straight member 31 completely fails to even suggest a technique “wherein the gaming machine door assembly comprises a pair of opposed vertical stiles each having an upper end, an opposed lower end, and an intermediate portion, and including at least one cross member extending between the stiles, the cross member having opposed ends each having a fastener engaging a corresponding fastener on each of the stiles” (emphasis added), as claimed by applicant. Clearly, the flange and straight member, as in the combined Lewis and Halic teachings, fail to suggest “the cross member having opposed ends each having a fastener engaging a corresponding fastener on each of the stiles” (emphasis added), in the manner as claimed by applicant.

In addition, with respect to Claim 3, the Examiner relied upon items B, C, and D from Halic Exhibit 1, as excerpted below, to make a prior art showing of applicant’s claimed “top rail extending between the upper ends of the stiles, an intermediate rail extending between intermediate portions of the stiles, and a bottom rail extending between the lower ends of the stiles.”

- 14 -

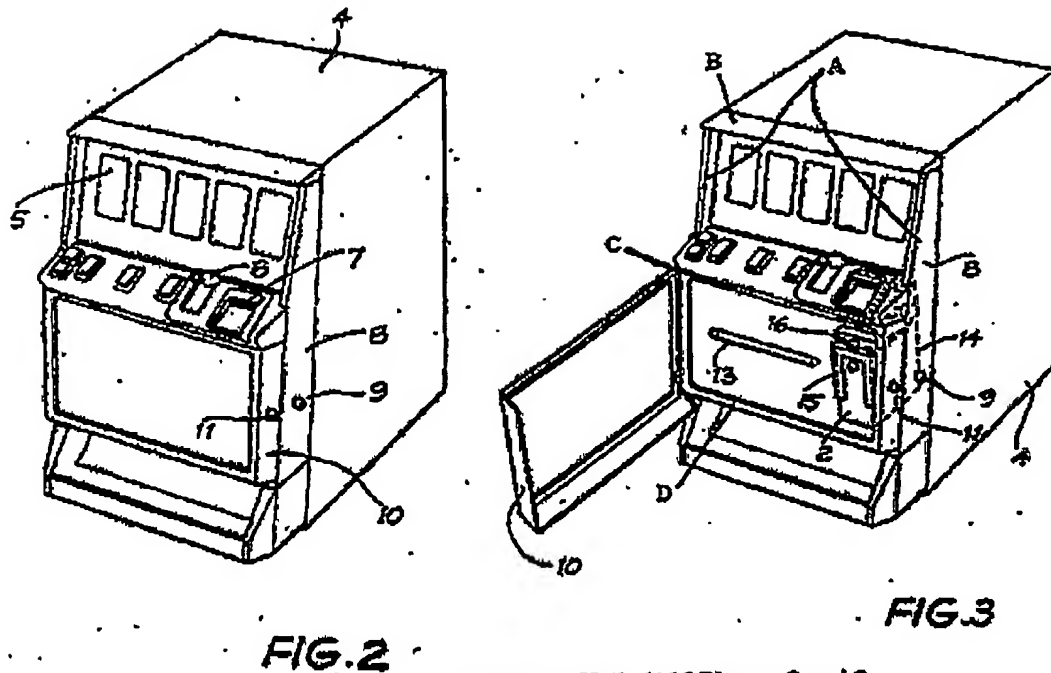


Exhibit 1: Halic '195 Figures 2 and 3

Applicant respectfully disagrees and asserts that top rail, indicated by item B, only sits on top of the side rails, indicated by item A. Clearly, the mere disclosure of a top rail on top of the side rails fails to even suggest “a top rail extending between the upper ends of the stiles, an intermediate rail extending between intermediate portions of the stiles, and a bottom rail extending between the lower ends of the stiles” (emphasis added), as claimed by applicant.

Additionally, with respect to Claims 5, and 6, the Examiner relied upon Col. 1, lines 11-19 and Col. 2, lines 50-52 from Lewis, as excerpted below, and has also taken Official Notice to make a prior art showing of applicant’s claimed techniques “wherein the selected one of the rails is provided with a first surface finish, and at least some of the others of the rails are provided with a different second surface finish” (Claim 5), and “wherein the second surface finish has a higher quality of cosmetic finish than the first surface finish” (Claim 6).

- 15 -

"These skill cranes are usually found at amusement parks and arcades but they can now be found in today's busy, customer-service oriented business establishments, such as restaurants; accordingly, it is desirable to eliminate the arcade appearance of the cabinet; accordingly, the cabinet of the present invention has been devised to be capable of having various appearances to blend in and compliment the decor of the particular business establishment in which it is placed." (Col. 1, lines 11-19 - emphasis added).

'The decorative panel 4 is inserted in the space between the outer and inner legs 22a and 22b, the panel 4 being either a laminate structure having a 1/8" thick outer layer of plexiglass and a 5/8" thick inner layer of melamine, or a 3/4 thick solid wood panel.' (Col. 2, lines 48-52 - emphasis added).

Applicant respectfully asserts that the excerpts from Lewis relied upon by the Examiner merely disclose that "the cabinet of the present invention has been devised to be capable of having various appearances to blend in and compliment the decor of the particular business establishment" and that "the panel 4 being either a laminate structure having a 1/8" thick outer layer of plexiglass and a 5/8" thick inner layer of melamine, or a 3/4 thick solid wood panel" (emphasis added). However, neither a panel consisting of a laminate outer layer and melamine inner layer, or a solid wood panel, as in Lewis, disclose a technique "wherein the selected one of the rails is provided with a first surface finish, and at least some of the others of the rails are provided with a different second surface finish" (Claim 5), or a technique "wherein the second surface finish has a higher quality of cosmetic finish than the first surface finish" (Claim 6), as claimed by applicant. Clearly, the disclosure of a panel being a laminate structure or solid wood fails to suggest "rails ... with a first surface finish " or "rails ... with a different second surface finish" (emphasis added), in the manner as claimed by applicant. Further, Lewis fails to even suggest "a different second surface finish," in the manner as claimed.

In addition, with respect to the Examiner's dismissal of Claim 5 and 6 under Official Notice, the Examiner has stated that it would have been obvious for one of ordinary skill in the art at the time the invention was made to "use varying surface finishes and finish qualities on the rails or other components of the enclosure as taught by Lewis to alter the aesthetic qualities of the device as desired by a user."

- 16 -

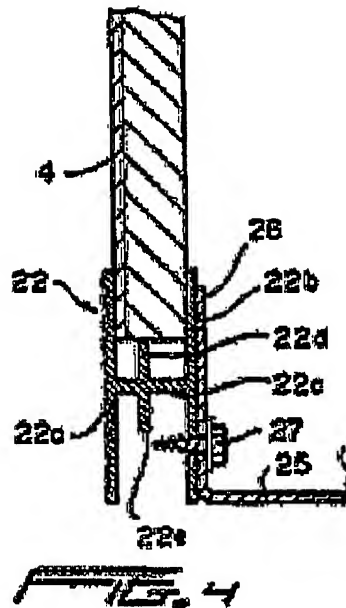
Applicant respectfully disagrees. In particular, applicant respectfully asserts that it would not be obvious to use “rails ... provided with a first surface finish” and “rails ... provided with a different second surface finish” (emphasis added), as claimed, since different finishes would draw attention to the components. Lewis specifically teaches that “it is desirable to eliminate the arcade appearance of the cabinet” (Col. 1, lines 14-15 – emphasis added) such that the cabinet should “blend in and compliment the decor of the particular business establishment in which it is placed” (Col. 1, lines 17-19). Clearly, Lewis’s suggestion of eliminating the arcade appearance and blending in and complimenting the décor *teaches-away* from providing the rails with different finishes.

Applicant thus formally requests a specific showing of the subject matter in ALL of the claims in any future action. Note excerpt from MPEP below.

“If the applicant traverses such an [Official Notice] assertion the examiner should cite a reference in support of his or her position.” See MPEP 2144.03.

Furthermore, with respect to Claim 8, the Examiner relied upon the Lewis reference to make a prior art showing of applicant’s claimed technique “wherein the fasteners include threaded studs protruding from the end portions of the at least one cross member.”

- 17 -



(Lewis, Fig. 4)

Applicant respectfully asserts that, as in the description of Figure 4 shown above, Lewis merely discloses “the fastening being accomplished by screws similar to screws 27 for securing the bottom wall 25 in place” (Col. 2, lines 58-59 – emphasis added). However, the mere disclosure of using screws to fasten, as in Lewis, simply fails to even suggest a technique “wherein the fasteners include threaded studs protruding from the end portions of the at least one cross member” (emphasis added), as claimed by applicant. Clearly, a screw fastener, as in Lewis, fails to meet “threaded studs protruding from the end portions” (emphasis added), in the manner as claimed by applicant.

Again, applicant respectfully asserts that the Lewis reference, when taken alone and in combination with the Halic reference, fails to teach or suggest all of the claim limitations, as noted above. Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

- 18 -

Still yet, applicant brings to the Examiner's attention the subject matter of new Claims 23-25 below, which are added for full consideration:

"wherein an additional door is pivotally coupled to the door assembly"  
(see Claim 23);

"wherein the additional door conceals at least one of the horizontal elongated members when closed" (see Claim 24); and

"wherein the additional door includes a belly door" (see Claim 25).

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. TRKYP012).

Respectfully submitted,  
Zilka-Kotab, PC.

Kevin J. Zilka  
Registration No. 41,429

P.O. Box 721120  
San Jose, CA 95172-1120  
408-505-5100